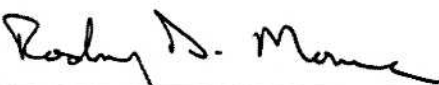


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter <b>7</b>	Number <b>5</b>	Effective Date <b>06/02/06</b>	Review Date <b>2010</b>
Subject  <b>EXECUTING ARREST WARRANTS AND SUBPOENAING WITNESSES</b>			<input type="checkbox"/> New Order  <input checked="" type="checkbox"/> Replaces O.O. 1201-01, (06/30/03)
References CALEA 74.1.2, 74.3.1 and 74.3.2 VLEPSC ADM.02.02, ADM.25.01 and OPR.12.03 VA Code 19.2-76, 19.2-81, 19.2-267.1 and 46.2-939			
 <b>Chief of Police or Designee</b>		<b>06/02/06</b> <b>Date</b>	

**I. PURPOSE**

The purpose of this order is to establish the *guidelines* for executing arrest warrants, and subpoenaing witnesses in General District and Circuit Court cases.

**II. POLICY**

Officers may execute arrest warrants and cause witnesses to be subpoenaed to court as allowed by law. Only sworn police officers shall execute arrest warrants.

**III. PROCEDURE****A. Execution of Arrest Warrants:**

An arrest warrant commands a police officer to locate and arrest the person named in the warrant. The following procedure shall be employed when executing arrest warrants.

**1. Execution *of Warrants* in the Field:****a) Officers executing an arrest warrant *in the field* shall:**

- (1) Place a check in the appropriate box *on the warrant* indicating the type of service (i.e., executed by arresting the accused named above on this day OR executed by summoning the accused named above on this day OR for legal entities other than individuals, service pursuant to VA Code §19.2-76);

- (2) Indicate the service date and time in the spaces provided on the warrant;
  - (3) Sign the warrant and put his/her code number, agency (RPD) and jurisdiction (120) next to his/her signature; and,
  - (4) Indicate the Sheriff's name in the appropriate location above **his/her** title.
- b) For warrants where the executing officer is not the complainant, the date for "Court Appearance" shall be left blank.
  - c) For warrants where the executing officer is the complainant, a "Request for Witness Subpoena" **form** (PD-7) shall be utilized to subpoena witnesses.
  - d) For warrants where the executing officer releases the arrestee on a summons, the court name shall be indicated as follows:
    - RGDC-I (Richmond General District Criminal Court – North of the James)
    - RGDC-II (Richmond General District Criminal Court – South of the James)
    - JUV-CT (Juvenile and Domestic Relations Court)
    - Traffic-I (Richmond General District Traffic Court – North of the James)
    - Traffic-II (Richmond General District Traffic Court – South of the James)
  - e) The executing officer will provide a copy of the arrest warrant to the arrestee as well as a copy of the Virginia Uniform Summons, if applicable.

2. Use of the Append Notes on **an** Attempted Warrant Service:

- a) To capture vital information on **any** attempted of warrant service, **both** civil and criminal, officers equipped with MDCs will append the call when **the** attempted warrant service is not successful. In the Notes Field, the assigned officer will indicate the name of the party to **whom** service was attempted and the reason for non-service. Other information such as location, date and time as well as the officer attempting service, will automatically be captured electronically by the CAD System.
- b) Only officers, who do not have access to an MDC, will request radio to append the call with the name of the party to **whom** service was attempted, if not previously captured in the original call and the reason for the non-service.

3. Execution *of Warrants* at Headquarters:

- a) If at least two or more police officers are working at the Information Desk and an individual walks in to turn him/her self in, one of the available officers shall execute the warrant on the individual.
- b) In those cases where only one officer is working the Information Desk and an individual walks in to turn him/her *self* in, that officer may either execute the warrant or call another officer in from the street to execute the warrant, if he/she is too busy to handle the matter. Nothing in this policy shall prohibit the execution of the warrant by any other police officer that might already be at Headquarters.
- c) Under no circumstances will an officer be called in from the street to execute a warrant in the Detention Section at the Richmond Lock-Up or the City Jail.

B. Information Required on the Wanted Person File Maintenance Form:

1. Upon the execution of an existing warrant on file at the Warrant and Information *Unit*, officers will record the information requested on the bottom portion of the Wanted Person File Maintenance Form. This information will be completed upon the execution or attempted execution of an existing warrant, if the warrant is removed from the Warrant and Information *Unit's* files and taken into the field. The required information is as follows:
  - a) Date served;
  - b) Executed by;
  - c) Released on a summons (circle one) Y N;
  - d) Date and time assigned/attempted service (if applicable); *and*,
  - e) Reason for non-service, if applicable.
2. The CAD System will automatically capture the time/location of service or attempted service, when the *police* unit marks 10-23 at the service location.
3. Upon completion of the Wanted Persons File Maintenance Form, officers will return the form to the Warrant and Information Desk.

C. Subpoenaing Witnesses:

1. All employees of the Richmond Police Department shall complete a "Request for Witness Subpoena" *form*, (PD-7) *to* include their correct full names and *the* addresses of their current duty assignment in every case in which they are involved, and their appearance is necessary in court as *either* the arresting officer or a witness. The following address shall be used in completing the PD-7, depending on the employee's current assignment:

- Chief's Office Police HQ, Information Desk, 200 W. Grace St.
- Assistant Chief's Office Police HQ, Information Desk, 200 W. Grace St.
- **Administrative Services** Police HQ, Information Desk, 200 W. Grace St.
- Majors' Offices (HQ's Personnel) Police HQ, Information Desk, 200 W. Grace St.
- Property and Evidence Unit 501 N. 9<sup>th</sup> St.
- Division of Emergency Comm. 3516 N. Hopkins Rd.
- **Operations** – First Precinct 2501 "Q" St.
- **Operations** – Second Precinct 177 E. Belt Blvd.
- **Operations** – Third Precinct 301 S. Meadow St.
- **Operations** – Fourth Precinct 107 S. 5<sup>th</sup> St.
- **Support Services** Police HQ, Information Desk, 200 W. Grace St.
- **Special Events Division** 2101 Laburnum Ave.
- Police Training Academy 1202 W. Graham Rd.

Personnel assigned to any operation not normally associated with Police Headquarters but whose office is located at Headquarters, shall also use the address of Police Headquarters, Information Desk, 200 W. Grace Street.

## 2. General District Misdemeanor Criminal Cases:

The VA Code §19.2-267.1 gives law enforcement officers the authority to issue summonses for witnesses under certain conditions. A summons may be issued by a law enforcement officer to any person the officer reasonably believes was a witness to the offense during the course of the officer's immediate investigation of an alleged misdemeanor for which an arrest warrant is not required, pursuant to VA Code §19.2-81. The summons shall command the person to appear and testify at the trial of any criminal charge brought against any person as the result of the offense (Applies only to arrest without a warrant.).

- a) Department members may use the Virginia Uniform Summons to subpoena witnesses. Officers shall write the word "WITNESS" in the space marked "Describe Charge" along with the suspect/defendant's name and offense.
- b) The officer may request the Trial Court to issue a subpoena pursuant to the PD-7 *form*.
- c) The witness shall be asked to sign the summons. If the witness refuses, the officer shall note this fact in the space provided for the witness' signature. The summons shall still be executed.
- d) Whenever a suspect/defendant is released on a summons for court and the officer issues a subpoena using the Virginia Uniform Summons for a victim/witness, the officer shall:

- (1) On the witness' summons, the officer shall write the word "Witness" in the space marked "Describe Charge", along with the suspect/defendant's name and offense.
- (2) **The officer shall** attach the victim/witness summons **along** with the suspect/defendant's Virginia Uniform Summons and CCRE, and forward all of the related court papers to the court of venue.

3. General District Misdemeanor Traffic Cases:

- a) VA Code §46.2-939 gives police officers the right to subpoena witnesses at the scene of motor vehicle accidents to appear in court and testify with respect to any criminal charge brought against any person, as a result of the accident. A subpoena so issued shall have the same force and effect as if **it was** issued by the court.
- b) Any person failing to appear in response to a subpoena **so** issued as provided in this section, shall be punished as provided by law.
- c) Officers shall use the Virginia Uniform Summons to subpoena witnesses. In the space marked "Describe Charge", the officer shall write the word "Witness" along with the name of suspect/defendant and the offense.
- d) The witness shall be asked to sign the summons. If the witness refuses, the officer shall note this fact in the space provided for the witness' signature. The summons shall still be executed.

4. Circuit Court Cases:

All requests for summoning witnesses to the Circuit Court shall be made directly to the Commonwealth's Attorney's Office. Officers shall compile a "Court Conflict Dates" **form**, (PD-67) to establish conflict dates (*i.e.* days off, vacation, etc.) and forward it to the Commonwealth's Attorney's **office** immediately after the case is certified in General District Court.

D. Executing Court Witness Subpoenas:

1. A court witness subpoena commands a police officer to locate and serve the subpoena on the individual named for appearance in a designated court on the date and time specified.
2. Court witness subpoenas that are served by Department members will be given personal service only.
3. To authenticate a court witness subpoena for service, **the officers shall** insert **the** date, month, year of service, sign **his/her** name **and their write code number** in the spaces provided.
4. The individual, upon whom a court witness subpoena is served, shall be given his/her copy of the subpoena.

- E. All releasable warrants and criminal summons MUST be returned to Police Headquarters and logged *by the officer who served the warrant*, into the court registry book.

V. **ROLES AND RESPONSIBILITIES**

A. ***The Executing Officer shall:***

1. ***Locate and arrest the person named in a warrant.***
2. ***Provide a copy of the arrest warrant to the arrestee as well as a copy of the Virginia Uniform Summons, if applicable.***
3. ***Record information regarding the arrestee on the bottom portion of the Wanted Person File Maintenance Form, i.e. date served, executed by, released on summons, date and time assigned/attempted service and reason for non-service, if applicable. Upon completion of file, the officer shall return the form to the Warrant & Information Desk.***
4. ***Complete a PD-7 to include the officer's correct full name and address of his/her current duty assignment in every case in which the officer is involved.***
5. ***Use the Virginia Uniform Summons to subpoena witnesses.***
6. ***Ask the witness to sign the summons. If the witness refuses, the officer shall note the fact and still execute the summons.***
7. ***Give personal service only for court witness subpoenas. To authenticate a court witness subpoena for service, the officer shall insert the date, month, year of service, sign his/her name and write code number in the spaces provided.***
8. ***Compile a "Court Conflict Dates" form, (PD-67) to establish conflict dates (i.e. days off, vacation, etc.) and forward it to the Commonwealth's Attorney's office immediately after the case is certified in General District Court.***

B. ***The Officers Supervisor shall:***

***Review all related reports submitted by the officers for completeness and accuracy.***